

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Ursula Ziegler et al.

Application No.: 10/584,745

Confirmation No.: 3493

Filed: July 10, 2006

Art Unit: 1794

For: COMPOSITE BODIES, METHOD FOR THE  
PRODUCTION THEREOF AND USE  
THEREOF

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Examiner: J. D. Freeman

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 13, 2008, applicant hereby provisionally elects Group I, claims 1-14, 19 and 20 for continued examination, with traverse.

The Examiner has required restriction between the following groups:

Group I, claim(s) 1-14, 19 and 20, drawn to a composite article.

Group II, claim(s) 15-17, drawn to a process of producing a composite.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

The applicant believes that at least Group II should be rejoined with Group I because claims 15-17 refer back to claim 1.

A one month extension fee has been paid. Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05587-00408-US from which the undersigned is authorized to draw.

Dated: July 14, 2008

Respectfully submitted,

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